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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,625	08/01/2000	Andreas Helfenstein	67736	6857

23872 7590 01/31/2006

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SCARBOROUGH, NY 10510-9227

EXAMINER
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NGUYEN, ANTHONY H

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

AKC

<b>Office Action Summary</b>	<b>Application No.</b> 09/630,625	<b>Applicant(s)</b> HELFENSTEIN ET AL.	
	<b>Examiner</b> Anthony H. Nguyen	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-6,8,9,11,12 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,9,11,12 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/17/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/17/2005 has been entered.

#### ***Claim Objections***

Claims 1, 3-6,8,9,11,12 and 15-18 are objected to because the "set point" (claim 1 line 14 and claim 6 line 12) is not defined since it is unclear what signal or data is related to the set point so as to compare with the common measured value.

To the extent the claims are positive recitations of the step or structure, it appears that the following prior art rejection is proper.

#### ***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-6, 8, 9, 11,12 and 15-18 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Niedermaier et al. (US 5,123,316) in view of Hesselmann (US 5,876,784).

With respect to claims 1,3,4, 6, 11, 12 and 15-18, Niedermaier et al. teaches a process and a device for determining cutting positions of web strands which includes the steps of bringing together the web strands into a bounded strand, recording each individual web strand 9.1-9.8 by the web strand sensors 64.1-64.8 and recording a common measured value for cutting the position of the strips or the web strands 16 and 17 by the reading heads or sensors 59, 60 which sense the cutting register marks and compare to a nominal value or a common value via a control device 62 before the web strands are brought together to a cutting device 19 (Fig.1). See Niedermaier et al., claim 1, col.4 lines 35-48. and col.6 lines 5-14. Niedermaier et al. does not teach the step of forming a common adjusting signal for the bounded strand in the common control device having a set point transducer and using the common measured value with a set point. Hesselmann teaches a common control device including a set point transducer 12a, 12b for synchronize or forming adjusting signal for the movements of the web 2 and the cylinder 3 via the velocity of the web and the register marks reference on the web. In view of the teaching Hesselmann, it would have been obvious to one of ordinary skill in the art to modify the common control device of Niedermaier et al. by providing the set point transducer(s) for forming adjusting signal as taught by Hesselmann to improve the efficiency of feeding the webs and a bounded strand to a cutting position. With respect to claim 4, Niedermaier et al. teaches the use of synchronous control 63 and 66 (Niedermaier et al., Fig.1) that are electronically connected to the strip-cutting device 19 and a register control device 65 for control the cutting position of the web strands. With respect to claim 5, the values for cutting positions which are set manually at the time of start-up the press and the use of a common control device and individual control devices which send adjust signals to the common control device while not specifically stated in Niedermaier et al. are necessary to provide an operative press.

With respect to claim 8 and 9, Niedermaier et al. teaches all that is claimed, except for the optical scanner which detects optical print marks. Hesselmann teaches the conventional use of an optical scanner 12a which detects optical marks 14 printed on the web 2 as shown in Fig.1 of Hesselmann (see also the paragraph bridging columns 3 and 4). In view of the teaching of Hesselmann, it would have been obvious to one of ordinary skill in the art to modify the device of Niedermaier et al. by providing the optical scanner as taught by Hesselmann to permit more precise control the cutting position on a web or a web strand in Niedermaier et al.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1,3-6, 8, 9, 11,12 and 15-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

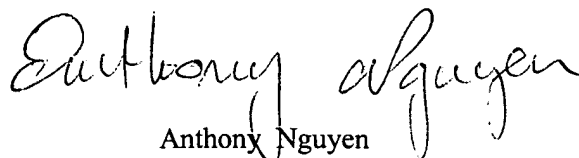
The patents to Schröder and Stin et al. are cited to show other structures and methods having obvious similarities to the claimed structure and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168.

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The fax phone number for this Group is (571) 273-8300.

A handwritten signature in cursive script that reads "Anthony Nguyen".

Anthony Nguyen  
1/24/066

Patent Examiner  
Technology Center 2800